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April 25, 2019

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CASE NO. ZA-2018-6026-CUB-CUX
CONDITIONAL USE
6356 Hollywood Boulevard, 2nd Floor
(6350-6358 Hollywood Boulevard)
Hollywood Planning Area
Zone : C4-2D-SN
C.D. : 13 – Mitch O'Farrell
D.M. : 148-5A187
CEQA: ENV-2018-6027-CE
Legal Description : Lots FR 3, 2 (ARB 1),
2 (ARB 2); Tract 3431

Pursuant to CEQA Guidelines Section 15061, I hereby DETERMINE:

based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines Section 15301, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies; and,

Pursuant to Los Angeles Municipal Code Section 12.24-W,1, I hereby APPROVE:

a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with a proposed restaurant/bar; and,

Pursuant to Los Angeles Municipal Code Section 12.24-W,18, I hereby APPROVE:

a Conditional Use Permit to allow public patron dancing, in conjunction with a proposed restaurant/bar,

Upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the

- development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
 3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
 4. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning ("DEPARTMENT OF CITY PLANNING") and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
 5. Authorized herein is the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with an existing 8,009 square-foot restaurant/bar from the effective date of this grant. Subject to the following limitations:
 - a. The hours of operation shall be limited to 11:00 a.m. to 2:00 a.m., daily.
 - b. Interior seating shall be limited to a maximum of 233 seats. Maximum occupancy shall be as determined by the Department of Building and Safety and/or Fire Department.
 - c. There shall be no permanent dance floor. A maximum 20 foot x 20 foot area by the stage, as shown on the Floor Plan, Exhibit "A," may be demarcated as a dance floor during live entertainment events. The total number of persons shall be maintain at or below the occupancy approved by the Fire Department.
 - d. No after-hours use is permitted, except routine clean-up. This includes, but is not limited to, private or promotional events, special events, excluding any activities which are issued film permits by the City.
 6. Any future request for seating above the permitted seats shall be filed pursuant to an Approval of Plans application in compliance with provisions of the Municipal Code.
 7. Plan Approval. The applicant shall file an Approval of Plans application within (7) years, but not earlier than 60 months from the issuance of the Certificate of Occupancy to assess compliance with the conditions of the instant grant. The purpose of the plan approval will be to review the effectiveness of and the applicant's compliance with the conditions of this grant. Upon review of the effectiveness of and compliance with the conditions, the Zoning Administrator may modify such conditions, delete or add new ones as appropriate and require a subsequent plan approval, as

necessary. At any time during the period of validity of this grant, should documented evidence be submitted showing a violation of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator reserves the right to require the applicant to file for a plan approval application together with associated fees, the purpose of which will be to hold a public hearing to review the applicant's compliance with and the effectiveness of these conditions. The applicant/petitioner(s) shall provide a summary and supporting documentation of how compliance with each condition of the grant has been attained. Upon this review the Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct the public hearing for nuisance abatement/revocation purposes.

8. Lighting shall be installed in all areas within the business in conformance with the Los Angeles Municipal Code. The lighting shall be such that it renders all objects and persons clearly visible within the establishment.
9. **Complaint Log.** Prior to the utilization of this grant, a phone number and an email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:
 - a. Entry, visible to pedestrians.
 - b. Customer service desk, front desk or near the cash registers.

The applicant shall maintain a log of all calls and emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved. This log shall be made available to law enforcement personnel upon request and presented as part of the application if and when a new application to continue the operation is submitted to the Department of City Planning. Complaints shall be responded to within 24 hours.

10. **STAR/LEAD Training.** Within the first six months from the effectuation of the grant, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program. Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter referencing Case No. ZA-2018-6026-CUB-CUX, from the Police Department to the Department of City Planning as evidence of compliance. In the event there is a change in the licensee, within six months of such change, this training program shall be required for all new staff. The STAR training shall be conducted for all new hires within two months of their employment.
11. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under their control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.

12. During all hours of operation, the premises shall maintain its bonafide sit-down restaurant with a kitchen component to be used for cooking and preparing of food as defined by Section 91.0403 of the Los Angeles Municipal Code, and shall provide a menu containing an assortment of foods normally offered in such restaurants. Food service shall be available at all times during operating hours. Any take-out service is only incidental to the primary sit-down use. The restaurant kitchens shall be maintained in accordance with the definition of such in the Los Angeles Municipal Code. Food service shall be made available at all times the ground floor premises are open for business.
13. Parking shall be provided in compliance with the code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.
14. The applicant shall be responsible for maintaining free of debris or litter the area adjacent to the premises over which they have control, including the sidewalk in front of the establishment.
15. Loitering shall be prohibited on or around these premises as well as the properties adjacent to the subject premises. The applicant shall be responsible for ensuring that persons are dissuaded from loitering on or immediately around the subject premises. "No Loitering" signs shall be posted containing the predominant language of the establishment's clientele. Any outdoor areas under the control of the applicant and those areas which are adjacent to the subject site shall be routinely patrolled by employees of the restaurant, bar, and/or lounge facility, or establishment security personnel for the purpose of monitoring loitering. Any problems associated with any portion of the subject premises shall immediately be reported to the facility manager(s) who shall correct/remedy the problems.
16. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
17. Signs shall be prominently posted in English and the predominant language of the facility's clientele, if different and a notice shall be placed therein stating that California State Law prohibits the sale of alcoholic beverages to persons under the age of twenty-one years or to intoxicated persons and that no such sales will be made.
18. There shall be no pool table or billiards table, electronic games, coin-operated games, dart games, or video machines maintained upon the premises at any time that patrons of the premises are permitted to use or have access to. The following items/devices may be only be used as props for theatrical live entertainment features and are not permitted to be stored in areas where patrons have access to the various amusement used as props in the theatrical stage performance.
19. The applicant shall place legible signs throughout the subject premises alerting patrons to keep noise to a minimum, and to be respectful of the property's surrounding neighbors.
20. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.

21. If valet service is used a copy of the contract with the valet company shall be submitted to the Office of Zoning Administration demonstrating that valet service is made available to customers of the petitioner(s), during any occasions when any portion of the facility is opened to the public. The valet contract that the applicant(s)/operator(s) secures and submits to the Office of Zoning Administration shall demonstrate that the applicant(s)/operator(s) provide valet service to customers of the venue thirty minutes before any occasion in which the premises are opened to the public. The contract shall additionally be required to demonstrate that the applicant(s)/operator(s) provides valet service to customers of the subject premises during all hours that the retail facility is opened to the public and for thirty minutes after the subject premises have been closed to public.
22. If valet service is implemented the petitioner(s) will additionally be required to provide the Office of Zoning Administration with information pertaining to the valet rates or cost of valet service as it relates to customers utilizing said service. The availability of valet/parking service shall be made known to the public via the restaurant, bar, and lounge, drink or food menus, a posting of the information on readily visible locations within or on the 6356 Hollywood Blvd, 2nd floor, premises, and on any website or social media profiles dedicated to the restaurant, bar, and lounge operations.
23. An electronic age verification device shall be retained on the premises available for use during operational hours. This device shall be maintained in operational condition and all employees shall be instructed in its use.
24. At least one on-duty manager with authority over the activities within the facility shall be on the premises at all times that the facility is open for business. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the facility to discourage illegal and criminal activity on the subject premises and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism or truancy occur.
25. Any music, sound or noise which is under control of the applicant shall not constitute a violation of Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance) and shall not be audible beyond the subject premises. At any time during the term of the grant a City inspector may visit the site during operating hours to measure the noise levels using a calibrated decibel/sound level meter. If, upon inspection, it is found that the noise level exceeds those allowed by the Citywide Noise Ordinance, the owner/operator will be notified and will be required to modify or, eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.
26. "No Smoking" signs shall be posted in English and in the predominant language of the facility's clientele, if different, at the front entrance and at any other entrance utilized by the public.

27. Smoking tobacco or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within 10 feet of the outdoor dining areas in accordance with Los Angeles Municipal Code Section 41.50 B 2 C. This prohibition applies to all outdoor areas of the establishment if the outdoor area is used in conjunction with food service and/or the consumption, dispensing or sale of alcoholic or non-alcoholic beverages, or any areas of the premises that are otherwise designated as an outdoor dining areas.
28. The business operator and or the operator's agents shall comply with California Labor Code Section 6404.5 which prohibits the smoking of tobacco or any non-tobacco substance, including from electronic smoking devices, within any place of employment.
29. The exterior windows and glass doors of the location shall be maintained substantially free of signs and other materials from the ground to at least six (6) feet in height above the ground so as to permit surveillance into the location by Police and private security. Notwithstanding this condition, exterior windows and glass doors of the location may be covered by sheer roll-up shades or other mechanisms to shield the patrons from excessive glare of the sun, if necessary.
30. Any live entertainment and dancing shall be subject to any required permits to be reviewed and approved by the Los Angeles Police Commission, as applicable. Live entertainment may include but not be limited to live bands, a DJ or karaoke, provided the latter is not conducted in private rooms. No live entertainment or amplified music is permitted in any outdoor areas.
31. Any amplified or ambient music, sound, noise or vibration emitted that is under the control or influence of the petitioner(s) and/or the business operator(s) shall not be audible or physically discernable beyond the structure that is under the control of the applicant(s)/operator(s). No music, sound or noise shall be emitted from the subject businesses at a level prohibited by the noise regulations of the Los Angeles Municipal Code. Any sound, noise, or vibration emitted, that is under the control of the petitioner(s) and/or business operator(s) that is audible or physically discernable beyond the confines of the subject property, shall constitute a violation of Section 116.01 of the LAMC, including any loud, unnecessary or unusual noise that disturbs the peace or quiet of any neighborhood or that causes discomfort. The petitioner(s) and/or business operator(s) shall make every effort to control any unnecessary noise made by the employees of the restaurant, bar, or lounge facilities, or any noise associated with the operation of the restaurant, bar, and lounge , or equipment of the restaurant, bar, and lounge facilities.
32. In order to limit any loud music/sound/noise emanating from the subject premises, the applicant(s)/operator(s) shall keep all the facility windows and all of the building entryways closed. The front door of the premises, which abuts Hollywood Blvd, will be an exception to this requirement and may be left propped or otherwise left open, so long as the entryway is monitored, at all times it is left opened, by an establishment security guard.

33. All entertainment shall be conducted within a wholly enclosed building; there shall be no live entertainment or dancing outdoors at any time.
34. Partitions separating booth areas shall not exceed 54 inches in height. No obstructions shall be attached, fastened or connected to the booth areas within the interior space for the facility that restrict, limit, or obstruct the clear observations of the occupants.
35. The number of special events permitted on the subject property shall be limited to a maximum of 24 events per year. A special event is any event which is held weekly, monthly or annually or that includes outside advertisement demonstrating a change in the mode and character of the normal restaurant, bar, and lounge, operations or any private uses of the facility wherein the general public is excluded. The applicant(s) or business operator(s) shall seek approval from the Hollywood Vice Unit for all special events 14 days in advance of the date of each special event. LAPD shall respond to requests for special events in writing. Outside advertisement as it pertains to this provision shall include any promotional material or notification commissioned by any entity that is not directly associated with the operation or under the direct employ of the applicant(s) or business operator(s). Special events may be hosted or otherwise featured, Monday through Sunday, between 11:00 a.m. and 2:00 a.m., provided that LAPD notification occurred and said event was approved.
36. Extensive line queuing on any public sidewalk or expanse adjacent to the subject property is prohibited. Additionally, if the location meets its occupancy limit, patrons will not be permitted to wait in a line on Hollywood Blvd or on Ivar Avenue to gain later admission into the premises. The applicant(s) will be required to maintain the public sidewalks surrounding the subject premises free of obstruction, including semi-fixed objects such as barriers or stanchions commonly used for line queuing.
37. The applicant(s)/operator(s) may inspect patrons at the front entryway of the premises for admissions tickets/identification and either allow admission to the premises or deny entry. The applicant(s) and/or business operators will be permitted to direct patrons to wait in line at the front entryway for the length of time that is required to expediently check admission tickets, identification and making good faith efforts to recognize and deny entry to persons who may be intoxicated. Such admissions processes will be undertaken as quickly as reasonably possible and any line, assembly, or admissions congregation, shall not disrupt or otherwise obstruct pedestrian movement or circulation on the sidewalk.
38. There are to be no ropes or other type of barriers put up to create the appearance of dance club or night club entry. During instances in which the premises meets the occupancy limit, the applicant(s)/operator(s) are prohibited from directing or otherwise permitting patrons seeking admission to wait in a line on Hollywood Blvd to be permitted entry at a later time. The applicant(s)/operator(s) will be required to attempt to disperse persons who are refused entry or who are waiting to be admitted to the interior premises during those instances when premises is at capacity. The applicant(s)/operator(s) will similarly be required to interfere with any loitering activities that transpire on the public areas which encircle the subject property.

39. The applicant(s)/operator(s) shall be required to employ and station a security guard on the public sidewalk areas fronting the 6356 Hollywood Blvd premises from 9:00 p.m. until thirty minutes following the closure of the premises, daily. The security guard fulfilling this requirement shall make efforts to dissuade and prevent persons from gathering in lines or groups on the sidewalk areas fronting the facility. The security guard fulfilling this requirement shall additionally function to dissuade and/or prevent loitering activities, expedite pedestrian traffic flow, minimize conflict between persons entering or exiting the 2nd floor of the 6356 Hollywood Blvd premises and passing pedestrians, and to disperse persons who have been refused entry to the subject premises.
40. All exterior portions of the site shall be adequately illuminated in the evening so as to make discernible the faces and clothing of persons utilizing the space. Lighting shall be directed onto the site and no floodlighting shall be located as to be seen directly by persons on adjacent properties.
41. Prior to the effectuation of this grant, the applicant(s)/operator(s) shall be required to install additional lighting features on the exterior of the 6356 Hollywood Blvd premises to the satisfaction of the Los Angeles Police Department. The applicant(s)/operator(s) shall be required to submit a diagram, which depicts the preexisting along with the proposed exterior lighting arrangements. The applicant(s)/operator(s) shall be required to install the lighting features delineated on the diagram and demonstrate the function of the new and preexisting light features to the satisfaction of the Police Department prior to the effectuation of this grant. Following review and approval of the exterior lighting system of the venue, the evaluating Police Department representative shall include his or her written approval of the lighting features on a copy of the exterior lighting diagram which the Police Department representative will provide to the Department of City Planning for inclusion in the case file.
42. All entrances/exits of the subject premises shall be outfitted with closable doorways. The building doorways shall not consist solely of a screen or ventilated security door. The rear/side door(s) of the subject premises, shall be equipped on the inside with automatic locking devices and shall be kept closed at all times. Temporary use of the rear/side doorways of the premises for delivery of supplies does not constitute a violation. Said door(s) are not to consist solely of a screen or ventilated security door.
43. Patron ingress/egress shall only be conducted through the entryway of the subject premises that abuts Hollywood Blvd. The rear doorway of the premises, which abuts the alleyway immediately south of the subject premises, shall be outfitted with an automatic locking device and never utilized for patron ingress/egress outside of an emergency occurrence.
44. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the licensee provide, permit, or make available, either gratuitously or for compensation, male or female patrons who act as escorts, companions, or guests of and for the customer.
45. The applicant(s)/operator(s) shall at all times maintain the abutting public access ways free of obstruction.

46. A copy of the business permit, insurance information, and a valid emergency contact phone number for the valet and security company service(s) used by the business operator shall be maintained on the premises and presented upon request to any law enforcement officer.
47. The applicant(s) and/or business operator(s) shall be required to provide the Police Department with a security plan that satisfactorily conforms to Police Department and City Planning standards. A written/stamped Police Department approved copy of the applicant(s)/operator(s) security plan will be submitted to the Zoning Administrator prior to the exercise of this grant. Among the features of the plan are the following:
 - a. The applicant(s) and/or business operator(s) shall provide a monthly advance calendar of events involving use/operation of the restaurant, bar, and lounge components of the premises to the Police Department identifying the anticipated number of patrons indicated for each event, security personnel to be employed for any event or operational function during the involved month, the hours the facility is rented or otherwise used for any/all special events, the person or entity hosting any events at the facility and an emergency phone number where the hosts or promoters of any event can be reached while the event is in progress.
 - b. Between the hours of 8:00 p.m. and until thirty minutes after the closing hours, the applicant(s)/operator(s) shall provide a minimum of **four (4)** security guards on the premises, Sunday through Thursday. Between the hours of 8:00 p.m. and until thirty minutes after the closing hours, the applicant(s) shall provide a minimum of **five (5)** security guards on the premises, on Fridays and Saturdays. The establishment security guards fulfilling this requirement shall not have any other activities other than those that are security related.
 - c. When utilizing the premises for special events which involve live entertainment and/or patron dancing the applicant(s) and/or the business operator(s) shall be required to have **four (4)** security guards on-site and performing security duties thirty minutes prior to the commencement of the event. The applicant(s) and/or the business operator(s) shall ensure that a minimum of **four (4)** security guards remain on-site for thirty minutes after the conclusion of any special event.
 - d. The establishment security guards fulfilling the security requirements shall not have any other activities other than those that are security related. Security personnel shall be licensed in accordance with State Law and Police Commission standards and maintain valid Bureau of Security and Investigative Services Guard Credentials. Security personnel shall wear matching attire, including a laminate or patch on the breast pocket of their shirts, so that they are easily identifiable to patrons and law enforcement. Establishment security personnel shall additionally dressed in such a manner as to be readily identifiable as facility security guards to patrons and law enforcement personnel.

- e. A list of the security personnel on duty shall be kept on-site at all times and made available to law enforcement personnel upon request.
- f. The applicant(s)/operator(s) shall be required to employ and station a security guard on the public sidewalk areas fronting the 6356 Hollywood Blvd premises from 9:00 p.m. until thirty minutes following the closure of the premises, daily. The security guard fulfilling this requirement shall make efforts to dissuade and prevent persons from gathering in lines or groups on the sidewalk areas fronting the facility. The security guard fulfilling this requirement shall additionally function to dissuade and/or prevent loitering activities, expedite pedestrian traffic flow, minimize conflict between persons entering or exiting the 2nd floor of the 6356 Hollywood Blvd premises and passing pedestrians, and to disperse persons who have been refused entry to the subject premises. The requisite security guard fulfilling this requirement may be selected from the minimum security guard staffing requirements for the subject premises. The applicant(s)/operator(s) shall not be required to employ additional security outside of the minimum security guard staffing requirements for the subject premises to fulfill this requirement.
- g. The facility operator(s)/applicant(s) shall be required to install surveillance cameras throughout the interior and exterior portions of the premises to the satisfaction of the Los Angeles Police Department. The existing along with the newly appointed security camera installations shall provide sufficient coverage of all the high-risk public access areas both inside and immediately outside of the subject premises to the satisfaction of LAPD. The security cameras recordings shall be retained for a minimum of three months. The applicant(s)/operator(s) shall be required to store and catalog security camera footage for a minimum of three months. The cataloged videotapes or digital recordings shall be made available to police upon request.
- h. Prior to the effectuation of this grant, the applicant(s)/operator(s) shall be required to submit a diagram, which depicts the preexisting, along with the newly appointed, or scheduled to be appointed, security camera arrangements. The applicant(s)/operator(s) shall be required to install the security camera features delineated on the diagram and demonstrate the function of the new and preexisting security camera features to the satisfaction of the Police Department prior to the effectuation of this grant. The security camera diagram shall include a delineation of the video surveillance arrangements for both the second-floor areas of the 6356 Hollywood Blvd premises and the adjoining public sidewalks and alleyways fronting the subject premises. Following review and approval of the security camera installations at and on the second-floor of the 6356 Hollywood Blvd premises, the evaluating Police Department representative shall include his or her written approval of the security camera features on a copy of the security camera diagram, which the Police Department representative will provide to the Department of City Planning for inclusion in the case file.
- i. If the membership of the Hollywood Vice Office becomes aware that the concerned security plan is ineffective or that the agreed upon plan has

otherwise been proven to be inadequate as it pertains to the enhancement of safety for both the patrons, residents and/or the employees of the subject premises, the Hollywood Vice Office reserves the capability to revise the existing security plan and modify the parameters of it to maximize safety while reducing nuisance and criminal activity.

48. The premises shall not be leased or rented to outside promoters or to any third parties for private parties or special events. The applicant/operator may host private parties or events where a fixed number of customers is predetermined and does not exceed the seating capacity or maximum occupancy approved by the Fire Department. The conduct of the business during any private parties shall be under the direct control of the business owner/operator and restaurant management staff shall be present during private parties. The person responsible for the private party or event shall be provided with a copy of the conditions of this grant and the language below or similar language shall be included in the contract related to any private party or event.
49. **Prior to the utilization of this grant**, the Applicant shall provide a copy of its standard contract related to private parties or events to the DEPARTMENT OF CITY PLANNING for inclusion in the case file.

The total number of guests shall not exceed the maximum occupancy determined by the Fire Department. Restaurant management staff shall be present during the private party or event. The City's conditions of approval imposed on the operation of the establishment by Case No. ZA-2018-6026-CUB-CUX, which permits the sale and dispensation of a full line of alcoholic beverages for on-site consumption, shall be observed at all times during the private party or event.

50. Prior to the beginning of operations, the manager of the facility shall be made aware of the conditions and shall inform his/her employees of the same. A statement with the signature, printed name, position and date signed by the manager and his/her employees shall be provided to the Department of City Planning. The statement shall state:

*We, the undersigned, have read and understood the conditions of approval to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with the restaurant/bar known as **Rock of Ages**, and agree to abide and comply with said conditions.*

A copy of the conditions of this letter of determination, business permit and insurance information shall be retained on the premises at all times and produced upon request by the Police Department, the Department of Building and Safety or the State Department of Alcoholic Beverage Control.

ADMINISTRATIVE CONDITIONS

51. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this

action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Department of City Planning within 30 days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing the floor plan, seating arrangement or number of seats of the new operation.

52. The Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application, if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or if documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees, and a 500-foot notification radius, shall be submitted to the Department of City Planning within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.
53. **MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per LAMC Section 19.01-E,3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City.
 - a. Within 24 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file.
 - b. The owner/operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.
54. **Prior to the effectuation of this grant,** a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be

provided for inclusion in case file. Fees required per LAMC Section 19.01-E,3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City prior to the final clearance of this condition.

55. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own

expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code."

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after **MAY 10, 2019**, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at <http://planning.lacity.org>. Public offices are located at:

Downtown
Figueroa Plaza
201 North Figueroa Street, 4th Floor
Los Angeles, CA 90012
[\(213\) 482-7077](tel:(213)482-7077)

San Fernando Valley
Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Boulevard, Room 251
Van Nuys, CA 91401
[\(818\) 374-5050](tel:(818)374-5050)

West Los Angeles
West Los Angeles Development
Services Center
1828 Sawtelle Boulevard,
2nd Floor
Los Angeles, CA 90025
[\(310\) 231-2598](tel:(310)231-2598)

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

NOTICE

The applicant is further advised that subsequent contact regarding this determination must be with the staff assigned to this case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on March 5, 2019 all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a conditional use approval under the provisions of Sections 12.24-W,1 and 12.24-W,18 have been established by the following facts: